



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Denise L. Draper and Joseph Heitzeberg
Application No. : 09/718,228 Confirmation No.: 8365
Filed : November 21, 2000
For : TECHNIQUE FOR ENCAPSULATING A QUERY
DEFINITION

Docket No. : 337298002US

Commissioner for Patents
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73

AND POWER OF ATTORNEY

Sir:

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, a copy of which is enclosed, hereby elects under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints JERRY A. RIEDINGER, Registration No. 30,582; MAURICE J. PIRIO, Registration No. 33,273; MICHAEL D. BROADDUS, Registration No. 41,637; CATHERINE HONG TRAN, Registration No. 43,960; ROBERT G. WOOLSTON, Registration No. 37,263; PAUL T. PARKER, Registration No. 38,264; JOHN M. WECHKIN, Registration No. 42,216; CHRISTOPHER DALEY-WATSON, Registration No. 34,807; STEVEN D. LAWRENZ, Registration No. 37,376; JAMES A.D. WHITE, Registration No. 43,985; EDWARD S. HOTCHKISS, Registration No. 33,904; JAMES NICKELSON, Registration No. 46,140; STEPHEN E. ARNETT, Registration No. 47,392; and DAVINA L. CHILDS, Registration No. 47,485, of Perkins Coie LLP, as the principal attorneys with full power of substitution,

association, and revocation to prosecute said application, to transact all business in the Patent and Trademark Office connected therewith, and to receive the letters patent therefor. Please direct all correspondence to Customer Number 25096.

Bar Code:

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PATENT TRADEMARK OFFICE

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Nimble Technology, Inc. filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Nimble Technology, Inc.

May 17, 2001
Date


David C. Clarke
Vice President and General Counsel

MJP:jc

Enclosure:

Copy of Assignment

ASSIGNMENT

WHEREAS, we, Denise L. Draper and Joseph Heitzeberg ("ASSIGNORS"), having post office addresses of 3130 Portage Bay Pl., E. Slip D, Seattle, Washington 98102; and 14919 SE 64th Street, Bellevue, Washington 98006, respectively, are the joint inventors of an invention entitled "TECHNIQUE FOR ENCAPSULATING A QUERY DEFINITION," as described and claimed in the specification for which an application for United States letters patent was filed on November 21, 2000 and assigned Application No. 09/718,228.

WHEREAS, Nimble Technology, Inc. ("ASSIGNEE"), a corporation of the State of Delaware having a place of business at 1938 Fairview Avenue East, Suite 100, Seattle, Washington 98102, is desirous of acquiring the entire right, title, and interest in and to the invention and in and to any patents that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNORS hereby sell, assign, and transfer unto ASSIGNEE, its legal representatives, successors, and assigns, the entire right, title and interest in and to the invention as set forth in the above-mentioned application, including any continuations, continuations-in-part, divisions, reissues, re-examinations, or extensions thereof, any other inventions described in the application, and any and all patents of the United States of America and all foreign countries that may be issued for the invention, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from the United States application to which foreign applications are entitled by virtue of international convention, treaty or otherwise, the invention, application and all patents on the invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same

would have been held and enjoyed by ASSIGNORS had this assignment, transfer, and sale not been made.

UPON THE ABOVE-STATED CONSIDERATIONS, ASSIGNORS agree to not execute any writing or do any act whatsoever conflicting with this assignment, and at any time upon request, without further or additional consideration but at the expense of ASSIGNEE, execute all instruments and documents and do such additional acts as ASSIGNEE may deem necessary or desirable to perfect ASSIGNEE's enjoyment of this grant, and render all necessary assistance required for the making and prosecution of applications for United States and foreign patents on the invention, for litigation regarding the patents, or for the purpose of protecting title to the invention or patents therefor.

ASSIGNORS authorize and request the Commissioner of Patents and Trademarks to issue any Patent of the United States that may be issued for the invention to ASSIGNEE.

May 17, 2001
Date

Denise L. Draper
Denise L. Draper

State of Washington)
)
County of King) ss.

I certify that I know or have satisfactory evidence that Denise L. Draper is the person who appeared before me, and the person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated May 17th, 2001
Signature of
Notary Public Carolyn J. Bersch
Printed Name Carolyn J. Bersch
My appointment expires 2/29/04

Date May 17 / 01

Joe Heitzeberg
Joseph Heitzeberg

State of Washington)

County of King) ss.

I certify that I know or have satisfactory evidence that Joseph Heitzeberg is the person who appeared before me, and the person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated May 17th, 2001

Signature of
Notary Public Carolyn J. Bersch

Printed Name Carolyn J. Bersch

My appointment expires 2/29/04